

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

BBCN Bank, as successor to Foster Bank,)	
)	No. 1:14-cv-07740
Plaintiff,)	
)	Assigned Judge: Andrea R. Wood
)	
v.)	
)	Property: 3244-48 West Foster Avenue
Un Chul Shin, Mi Young Shin,)	Chicago, IL 60625
Ryan Ahn a/k/a Chung K Ahn,)	
S & K Cleaners, Inc., Unknown Owners,)	
Unknown Tenants, and Non-record Claimants)	Commercial
)	
Defendant(s))	

**MOTION TO VOLUNTARILY VACATE JUDGMENT OF FORECLOSURE
AND FOR ENTRY OF JUDGMENT**

Now comes BBCN Bank, as successor to Foster Bank (herein “Plaintiff”), by and through its attorneys, Ashen | Faulkner, and moves this Honorable Court to vacate Plaintiff’s Judgment of Foreclosure, dismiss count I of Plaintiff’s Complaint and enter a Judgment against Defendants, and in support thereof, states as follows:

FACTS:

1. On or about October 14, 2014, Plaintiff filed its two count Complaint.
2. In Count I - Mortgage Foreclosure, Plaintiff sought to foreclose on the mortgage that it holds on the property commonly known as 3244-48 West Foster Avenue, Chicago, IL 60625 (herein “Property”).
3. In Count II - Breach of Note, Plaintiff requested a judgment in the amount of \$316,292.18 plus costs, reasonable attorneys’ fees and interest from September 17, 2014 through the date of Judgment against Un Chul Shin, Mi Young Shin, Ryan Ahn a/k/a Chung K Ahn and S & K Cleaners, Inc. (herein collectively “Borrowers”), for breach of a promissory note entered into on August 15, 2001 in the original amount of \$300,293.85

4. On or about January 6, 2015, Plaintiff appeared before the Honorable Andrea R. Wood to present its Motion for Default Judgment and Judgment of Foreclosure.

5. The Borrowers failed to appear and this Court entered an Order of Default (herein “Order”) against Un Chul Shin, Mi Young Shin, Ryan Ahn a/k/a Chung K Ahn and S & K Cleaners for failing to answer the Complaint or file an Appearance. Additionally, a Judgment of Foreclosure was entered in the total amount of \$318,818.72. A true and correct copy of the Order and Judgment of Foreclosure are attached hereto as “**Exhibit A.**”

6. Despite receiving a Judgment of Foreclosure which would allow Plaintiff to set the Property for a judicial sale, Plaintiff has made the decision not to set the Property for sale.

7. Accordingly, Plaintiff wishes to voluntarily vacate the Judgment of Foreclosure and dismiss the foreclosure count (Count I) from this action without prejudice.

8. In place of the Judgment of Foreclosure, plaintiff requests this Court to enter a monetary judgment against Un Chul Shin, Mi Young Shin, Ryan Ahn a/k/a Chung K Ahn and S & K Cleaners in the amount of \$318,818.72.

9. The Borrowers were served as follows:

- a. Un Chul Shin and Mi Young Shin were personally served on October 27, 2014.
- b. Ryan Ahn a/k/a Chung K Ahn was personally served on October 28, 2014.
- c. S&K Cleaners, Inc. was served via corporate service on October 21, 2014.

True and correct copies of the affidavits of service are attached hereto as “**Exhibit B.**”

10. A military affidavit for all individuals is attached hereto as “**Exhibit C.**”

11. Pursuant to Rule 12 of the Federal Rules of Civil Procedure, Defendants were to file their Appearance, Answer, or otherwise plead to Plaintiff's Complaint within 21 days of service.

12. As of this date, no Appearance or responsive pleading has been filed by or on behalf of the Defendants. As such, each Defendant is and has been in Default. A Certificate stating that no Appearances, Answers or responsive pleadings have been filed by Defendants is attached hereto as **“Exhibit D.”**

13. Plaintiff's claim of damages is for a sum that is made certain by computation and is more specifically set forth in its supporting Judgment Affidavit attached hereto as **“Exhibit E”** and affidavit of attorneys' fees and cost as **“Exhibit F.”**

WHEREFORE, the Plaintiff respectfully requests that this Court (i) Vacate the Judgment of Foreclosure entered on January 6, 2015, (ii) dismiss count I of Plaintiff's Complaint without prejudice, with leave to reinstate, (iii) enter Judgment on count II of Plaintiff's Complaint in the amount of \$318,818.72 against Un Chul Shin, Mi Young Shin, Ryan Ahn a/k/a Chung K Ahn and S & K Cleaners and execute a memorandum of judgment for said judgment and (iv) grant such further or other relief as the Court may deem just or equitable.

Respectfully submitted,

/S/Alexander Wright
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Attorney for BBCN Bank

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